

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LATRICIA BENGARD, et al.,

Plaintiffs,

v.

CITY OF PITTSBURG CALIFORNIA, et
al.,

Defendants.

Case No. 17-cv-02730-KAW

**ORDER GRANTING MOTION TO
APPOINT GUARDIAN AD LITEM**

Re: Dkt. No. 20

On September 6, 2017, Plaintiff Latricia Bengard moved to be appointed as the guardian ad litem for Plaintiff Trajhan Long, pursuant to Federal Rule of Civil Procedure 17(c)(2). (Plfs.' Mot., Dkt. No. 20.) In support of the motion, Plaintiff Bengard submitted a declaration stating that Plaintiff Long is her son, and that he is sixteen years old as of the date of the declaration. (Bengard Decl. ¶ 2, Dkt. No. 20-1.) Plaintiff Bengard also declared that she has no interests that are contrary to Plaintiff Long's. (Bengard Decl. ¶ 5.) No opposition was filed to the motion. The Court deems the matter suitable for disposition without hearing pursuant to Civil Local Rule 7-1(b) and vacates the hearing set for November 2, 2017.

Federal Rule of Civil Procedure 17 allows a court to "appoint a guardian ad litem . . . to protect a minor or incompetent person who is unrepresented in an action." "The decision to appoint a guardian ad litem under Rule 17(c) is normally left to the sound discretion of the trial court" *Davis v. Walker*, 745 F.3d 1303, 1310 (9th Cir. 2014). Notably, "[w]hen there is no conflict of interest, the guardian ad litem appointment is usually made on ex parte application and involves minimal exercise of discretion by the trial court." *Kulya v. City & Cty. of S.F.*, Case No. 06-cv-6539-JSW, 2007 WL 760776, at *1 (N.D. Cal. Mar. 9, 2007) ; *see also Student A v. Berkeley Unified Sch. Dist.*, Case No. 17-cv-2510-MEJ, 2017 WL 2171254, at *1 (N.D. Cal. May

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17, 2017).

In the instant case, Plaintiff Long is a minor, and there is nothing in the record to suggest that there would be a conflict of interest between Plaintiff Long and Plaintiff Bengard. Accordingly, the Court GRANTS the motion and APPOINTS Plaintiff Bengard as guardian ad litem for Plaintiff Long.

IT IS SO ORDERED.

Dated: October 12, 2017


KANDIS A. WESTMORE
United States Magistrate Judge